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SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2012 JAN -5 AM 10:48 ✓

SANDRA K. MARKHAM, CLERK
BY: 

5
6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

7 **IN AND FOR THE COUNTY OF YAVAPAI**

8 **STATE OF ARIZONA,**

9 Plaintiff,

10 vs.

11 **STEVEN CARROLL DEMOCKER,**

12 Defendant.

CAUSE NO. P1300CR201001325

**STATE'S MOTION TO COMPEL
DISCLOSURE OF DEFENSE EXPERT
WITNESS REPORTS**

EXPEDITED RULING REQUESTED

Assigned to Hon. Gary Donahoe

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15 The State of Arizona hereby requests that this Court compel Defendant in this case to
16 disclose the reports of all experts expected to testify at trial on behalf of Defendant pursuant to
17 Rule 15.7, Arizona Rules of Criminal Procedure. This motion is supported by the following
18 Memorandum of Points and Authorities, Certification of Counsel and the Court's file, all of
19 which are incorporated herein by reference.
20

21
22 **MEMORANDUM OF POINTS AND AUTHORITIES**

23 Rule 15.2(b) requires the defendant to provide a written notice to the prosecutor
24 specifying all defenses as to which the defendant intends to introduce evidence at trial and the
25 persons, including the defendant, whom the defendant intends to call as witnesses at trial.
26 Defendant is required to disclose the identity of any experts whom the Defendant intends to call

1 at trial, together with the results of Defendant's physical examinations and of scientific tests,
2 experiments or comparisons that have been completed. Additionally, the defendant is required to
3 make available to the prosecutor for examination and reproduction the names and addresses of all
4 persons who the defendant plans to call as witnesses at trial together with their relevant written or
5 recorded statements. Rule 15.2(c), Ariz.R.Crim.Pro. The disclosure must be made forty (40)
6 days after arraignment or within ten (10) days after the prosecutor's disclosure, whichever occurs
7 first. Rule 15.2(d), Ariz.R.Crim.Pro. Within 30 days of a written request, Defendant shall make
8 available to the prosecutor any completed written reports, statements and examination notes made
9 by experts. Rule 15.2(e), Ariz.R.Crim.Pro.

11 The Defendant has disclosed the names of several experts that are expected to testify at
12 trial. Among these experts, the Defendant has failed to disclose any reports for the following
13 experts: Randy Anglin; Mark Cardwell; Terri Haddix; Keith Inman; Michael O'Kelly and
14 Terence Carmody. Defendant has disclosed a report from Greg Curry, however, it is expected
15 that Mr. Curry will produce an updated or amended report and this has not been disclosed to date.

17 The court is authorized to compel disclosure by either side who has failed to make
18 disclosure required pursuant to Rule 15. 7 of the Arizona Rules of Criminal Procedure. The State
19 asks that the court compel disclosure of experts' reports by the defendant as required by Rule 15
20 of the Arizona Rules of Criminal Procedure. Given the motion deadline of February 9, 2012, it is
21 imperative that the State have an opportunity to interview all defense experts prior to this date. In
22 order to effectively interview such experts, the State must be provided with the expert reports
23 prior to any such interview. Accordingly, the State requests that the Court specifically order the
24 Defendant to provide expert reports on or before January 20, 2012 at 5:00 p.m. The State further
25
26

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1 requests that if such reports are not disclosed prior to this date that the Court preclude any such
2 expert from testifying at trial.

3 The State has personally consulted with the defense attorney and made good faith
4 efforts to obtain the experts' reports. See attached Exhibit "A."

5 **RESPECTFULLY SUBMITTED** this 4 day of January, 2012.

6
7 **Sheila Sullivan Polk**
8 **YAVAPAI COUNTY ATTORNEY**

9 By: Steven A. Young
10 **Steven A. Young**
11 Deputy County Attorney

12 **COPY** of the foregoing **Emailed** this
13 _____ day of January, 2012, to:

14 Honorable Gary Donahoe
15 Division 1
16 Yavapai County Superior Court
17 Via email to gdonahoe1@courts.az.gov
18 And a hardcopy sent to Division 1

19 Craig Williams
20 Attorney for Defendant
21 P.O Box 26692
22 Prescott Valley, AZ 86312
23 Via email to craigwilliams1aw@gmail.com

24 Greg Parzych
25 Co-counsel for Defendant
26 2340 W. Ray Rd., Suite #1
Chandler, AZ 85224
Via email to: gparzlaw@aol.com

By: _____

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STATE'S CERTIFICATION PURSUANT
TO RULE 15.7, ARIZONA RULES OF
CRIMINAL PROCEDURE

Assigned to Hon. Gary Donahoe

14 The State of Arizona, by and through undersigned counsel, certifies that undersigned
15 counsel has personally consulted with defense counsel and made good faith efforts to obtain the
16 disclosure, as follows:

17 Co-counsel for the State have made several requests for Defense experts' reports. In
18 addition, co-counsel for the State has requested Defendant to disclose each witnesses relevant
19 written or recorded statements.
20

21 Such requests have been made in several face to face conversations; several telephone
22 conversations; and several e-mails over several months. Invariably, counsel for Defendant or a
23 member of his staff indicate they are working on getting the experts' reports and witnesses'
24 statements but for one reason or another have not been able to do so. To date, as indicated above,
25 witness statements and several experts' reports have not been disclosed thereby precluding the
26

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1 State from interviewing them. Counsel for the State is unable to satisfactorily resolve this matter
2 without court intervention.

3
4
5 Steven A. Young

6 Steven A. Young
7 Deputy County Attorney

8 Sworn to and subscribed this 4 day of January 2012.

9 Kristy Matheson
10 Notary Public

11 My commission expires: 9/15/13

